



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department of Social Services
VAC Chapter Number:	22 VAC 40-92-10 et seq.
Regulation Title:	Standards and Regulations for Licensed Child Day Center Systems
Action Title:	Periodic Review
Date:	October 18, 2000

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation provides standards for any entity that voluntarily applies to operate, manage, or accredit as members of its system, 50 or more child day center sites, each of which is required to meet regulations applicable to other licensed child day centers. The regulation covers the following topics: organization and administration, personnel, services to member centers and records. The intent is to assure appropriate oversight of centers while allowing flexibility in the licensing process when there are organizations that operate, manage or accredit many centers.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or

discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Section 63.1-196.01:1 of the *Code of Virginia* requires the State Board of Social Services and the Child Day-Care Council to jointly promulgate regulations for child day center systems. This code section requires the regulations for child day center systems to address certain areas. The regulation does not exceed the scope of the mandate.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received as a result of the Notice of Periodic Review published in the Virginia Register. An informal advisory group was not formed for the purpose of assisting in the periodic review since there has never been an application to obtain a license as a child day center system.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The goal of the regulation is to allow an entity that operates, manages or accredits 50 or more child day center sites to be licensed as a child day center system. There have been no applications for licensure as a child day center system since the *Code of Virginia* was revised effective July 1, 1993 to give authority to the Commissioner of the Department of Social Services to license child day center systems. Licensure as a child day center system is voluntary. Because there have been no child day center systems, there is no evidence that the regulation is essential to protect the health, safety or welfare of citizens. Site-level licensure of such centers already affords basic protections to children and families. The regulation is required according to § 63.1-196.01:1 of the *Code of Virginia*. This regulation should not have an impact on the family or family stability since centers that are members of a larger organization that could qualify as a system will continue to have appropriate oversight for the health and safety of the children in care. There are no entities affected by the regulation so its clarity and understandability have not been tested.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

No other alternatives were considered since the *Code of Virginia* mandates the State Board of Social Services and the Child Day-Care Council to jointly promulgate regulations for child day center systems. The *Code of Virginia* also specifies what is to be addressed in the regulation. This regulation should not be burdensome for the public since licensure as a child day center system is voluntary.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The State Board of Social Services is recommending that this regulation should stay in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation should not impact the institution of the family or family stability in any of the ways described above. Centers that are members of a larger organization that could qualify as a system will continue to have appropriate oversight for the health and safety of the children in care.